



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
August 01, 2022

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

PARNELL COLVIN,

Debtor(s).

Case No. BK-22-11413-abl

Chapter 7

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
DISMISS BANKRUPTCY CASE WITH
PREJUDICE AND FOR INJUNCTION
AGAINST FUTURE FILING**

Hearing Date: July 6, 2022

Hearing Time: 9:30 a.m.

Courtroom: Remote

The Court, having reviewed and considered the Motion to Dismiss Bankruptcy Case with Prejudice and for Injunction Against Future Filing ("Motion"), ECF No. 14, filed by Creditor, Laborers' International Union of North America, Local 872 ("Union"), by and through its counsel of record, Sean W. McDonald of Weinberg, Roger & Rosenfeld, A Professional Corporation;

1 having reviewed and considered all the pleadings and papers filed in support of the Motion;
2 having conducted a hearing with respect to the Motion on July 6, 2022, at 9:30 a.m., with Sean W.
3 McDonald of Weinberg, Roger & Rosenfeld, appearing on behalf of the Union in support of the
4 Motion, and Debtor Parnell Colvin and Chapter 7 Trustee Brian Shapiro also appearing as noted
5 on the record of such hearing; having found that adequate and proper notice of the Motion and of
6 such hearing was provided to the above-captioned Debtor, Parnell Colvin, and to parties in
7 interest; having noted on the record of such hearing that the Debtor failed to file a written
8 opposition to the Motion, but despite that failure the Court nonetheless heard from Debtor in
9 opposition to the Motion; the Court finding it has jurisdiction to proceed under 28 U.S.C. §§ 157
10 and 1334 and that this is a core proceeding under 28 U.S.C. § 157(b)(2); and having stated its
11 other findings of fact and conclusions of law on the record at the conclusion of such hearing,
12 pursuant to Fed. R. Bankr. P. 7052, made applicable to this contested matter by Fed. R. Bankr. P.
13 9014;

14 **NOW, THEREFORE**, good cause appearing, the Court **ORDERS** as follows:

15 **IT IS ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as
16 set forth herein.

17 **IT IS FURTHERED ORDERED** that the above-captioned bankruptcy case is
18 automatically dismissed by operation of Section 521(i)(1) of the Bankruptcy Code due to the
19 Debtor's failure to timely file all documents as required by Section 521(a)(1) of the Code.

20 **IT IS FURTHERED ORDERED** that the above-captioned bankruptcy case is also
21 dismissed, without prejudice, under Section 707(a) of the Code because, in addition to the
22 Debtor's failure to file all information required by Section 521(a)(1) of the Code, the Debtor's
23 history of nine previous failed bankruptcy petitions (ten counting this one) amounts to
24 unreasonable delay to all creditors that is prejudicial to creditors.

25 **IT IS FURTHERED ORDERED** that the Court declines Creditor Union's request to
26 impose a bar to refiling at this time, for the reasons stated on the record. As detailed in the Court's
27 admonishments to the Debtor made on the record, the Court warns the Debtor that if Debtor files
28 another bankruptcy petition after this case, but fails to comply with his duties as a debtor as laid

1 out in the Bankruptcy Code and Federal Rules of Bankruptcy Procedure in that case, such as by
2 failing to timely obtain required credit counseling, failing to file a complete petition with all
3 complete required schedules and other documents in support of the petition, failing to attend the
4 meeting of creditors, or otherwise failing to properly prosecute the case, the Court will be inclined
5 to grant a bar to re-filing if a motion to dismiss is brought in a future case, for the reasons stated
6 on the record.

7 **IT IS FURTHERED ORDERED** that the Clerk of the Court shall close this case as
8 dismissed consistent with this Order.

9 Respectfully submitted by:

10 WEINBERG, ROGER & ROSENFELD

A Professional Corporation

11 By: /s/ Sean W. McDonald

12 Sean W. McDonald, Esq.

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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

- ☒ The court has waived the requirement set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:
- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of July, 2022.

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ Sean W. McDonald

KRISTINA L. HILLMAN, Bar No. 7752
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